

Message Text

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61
ORIGIN L-03

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FM SECSTATE WASHDC
TO AMEMBASSY WARSAW NIACT IMMEDIATE

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E.O. 11652: N/A

TAGS: ETRD, EINV, PL

SUBJECT: POLISH DESIRE TO SIGN "PROTOCOL" WITH SBA
ADMINISTRATOR KOBELINSKI

REF: WARSAW 6896

1. WE ARE CONCERNED THAT TEXT OF PROPOSED MINUTE AS
ORIGINALLY GIVEN REFTEL WOULD CONSTITUTE INTERNATIONAL
AGREEMENT UNDER THE CASE ACT AND IN ANY EVENT WOULD REQUIRE
FORMAL DEPARTMENT AUTHORIZATION AND CLEARANCE WITH DEPART-
MENT OF COMMERCE. WE BELIEVE, HOWEVER, THAT YOUR ESSENTIAL
OBJECTIVES CAN BE MATCHED BY MODIFYING THE TEXT IN CERTAIN
LIMITED RESPECTS AND TREATING THE DOCUMENT AS AN
JOINT COMMUNIQUE BETWEEN THE SMALL BUSINESS ADMINISTRATION
AND THE POLISH MINISTRY. (PROTOCOL MINUTES TITLE IS
UNOBJECTIONABLE.)

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2. ASSUMING THIS APPROACH IS ACCEPTABLE TO KOBELINSKI

DEPARTMENT HAS NO OBJECTION TO HIS GOING AHEAD ALONG THOSE LINES. DEPARTMENT LAWYER HAS DISCUSSED THIS MATTER IN GENERAL TERMS WITH SBA LEGAL ADVISER WHO CONCURS.

3. BEGIN TEXT:

PROTOCOL MINUTES ON TALKS HELD ON SEPTEMBER 23-25, 1976, IN WARSAW, BETWEEN THE SECRETARY OF THE SMALL BUSINESS

ADMINISTRATION OF THE UNITED STATES OF AMERICA, MR. MITCHELL P. KOBELINSKI, AND THE MINISTER OF INTERNAL TRADE AND SERVICES OF THE POLISH PEOPLE'S REPUBLIC, MR. JERZY GAWRYSIAK.

REFERRING TO THE INCREASINGLY CLOSE COOPERATION BETWEEN THE UNITED STATES OF AMERICA AND THE POLISH PEOPLE'S REPUBLIC AS A RESULT OF TALKS HELD BETWEEN MR. PRESIDENT GERALD FORD AND MR. FIRST SECRETARY OF THE POLISH UNITED WORKERS' PARTY EDWARD GIEREK DURING THE RECIPROCAL VISITS IN POLAND AND THE UNITED STATES, MR. KOBELINSKI AND MR. GAWRYSIAK DISCUSSED THE POSSIBILITY OF EXTENDING THIS COOPERATION TO THE FIELD OF SMALL INDUSTRY AND TRADE.

A. THE AREAS OF COOPERATION WHICH WERE DISCUSSED INCLUDED THE FOLLOWING FIELDS:

-- THE JOINT ERECTION AND ASSEMBLY OF SMALL INDUSTRIAL PRODUCTION PLANTS FOR THIRD COUNTRIES

-- COOPERATION ON THE PRODUCTION OF ARTICLES ASSEMBLED ON THE TERRAIN OF THE U.S. AND POLAND, AND SOLD TO THIRD MARKETS

-- CREATION OF JOINT ENTERPRISES IN THE U.S. AND POLAND FOR THE REALIZATION OF THE ABOVE-MENTIONED OBJECTIVES

-- SUPPLYING SMALL INDUSTRY IN POLAND WITH A VARIETY OF SPECIALIZED MACHINERY, TECHNOLOGICAL LINES AND FITTINGS, WITH THE REPAYMENT IN DELIVERIES OF MANUFACTURED PRODUCTS

-- SUPPLYING SMALL INDUSTRY IN POLAND WITH LICENSES AND TECHNOLOGY IN THE FIELD OF SMALL-SCALE PRODUCTION, THE LIMITED OFFICIAL USE

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TERMS OF REPAYMENT BEING FINISHED PRODUCTS.

B. THE POLISH SIDE STATED THAT IT WILL CONTINUE TO SUPPLEMENT THE DETAILED PROPOSALS OF COOPERATION WHICH HAVE BEEN ALREADY CONVEYED TO THE AMERICAN SIDE WITHIN THE RANGE PRESENTED ABOVE.

C. THE AMERICAN SIDE INDICATED THAT IT WOULD TRANSMIT THE

PROPOSALS OF THE POLISH SIDE TO INTERESTED AMERICAN FIRMS, ENCOURAGING THE NECESSARY CONTACTS FOR DETAILED DETERMINATION OF FORMS AND SCOPE OF COOPERATION.

D. BOTH PARTIES STRESSED THE DESIRABILITY OF UNDERTAKING OTHER FORMS OF EXCHANGE OF EXPERIENCES AND ACTIVITIES IN SUPPORT OF THE PROPAGATION AND PROMOTION OF THIS COOPERATION

E. THE POLISH SIDE ASKED THE CENTRAL UNION OF COOPERATIVE WORK TO BE RESPONSIBLE FOR EXPLORING FUTURE COOPERATION IN THE FIELD OF SMALL INDUSTRY.

F. THE PARTIES DISCUSSED THE POSSIBILITY OF A WIDER EXCHANGE OF MARKET GOODS BETWEEN THE ORGANIZATIONS OF DEPARTMENT STORES IN POLAND AND THE UNITED STATES. END OF TEXT.

4. RE PARA 5 REFTTEL, WE WOULD HAVE NO OBJECTION TO LANGUAGE BEGINNING: "BOTH SIDES EXPRESSED THEIR INTENTION TO ENCOURAGE ETC.".

5. RE PARA 6, SINCE WE HAVE NOT BEEN ABLE TO CLEAR THIS MESSAGE WITH COMMERCE, WE SUGGEST THAT ABOVE TEXT NOT IDENTIFY ANY AMERICAN AGENCY TO CORRESPOND WITH THE CENTRAL UNION OF COOPERATIVE WORK. WE SUGGEST INSTEAD THE FOLLOWING ADDITIONAL SENTENCE FOR PARA E OF THE TEXT: "THE AMERICAN SIDE WILL INFORM THE POLISH SIDE AT A LATER DATE OF THE NAME OF THE AMERICAN AGENCY SELECTED TO EXPLORE SUCH COOPERATION."

6. WE WOULD PREFER THAT "PROTOCOL MINUTES" NOT REPEAT NOT BE SIGNED. HOWEVER, IF KOBELINSKI INSISTS, WE ARE PREPARED TO GO ALONG PROVIDED THAT THE TEXT TAKEN AS A WHOLE LIMITED OFFICIAL USE

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CLEARLY INDICATES THAT THE DOCUMENT IS A RECORD OF WHAT WAS DISCUSSED RATHER THAN A COMMITMENT TO FUTURE UNDERTAKINGS. (FYI - SBA GENERAL COUNSEL SPECIFICALLY QUESTIONS SBA AUTHORITY IN SEVERAL AREAS LISTED IN PARA A OF DRAFT TEXT.)

7. DEPARTMENT GREATLY APPRECIATES EMBASSY'S BRINGING THIS MATTER TO OUR ATTENTION. KISSINGER

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